

IN RE: PETITION FOR ZONING VARIANCE
SE/S St. James Road, 300' NE
of the c/l of Lages Lane
(3507 St. James Road)
2nd Election District
2nd Councilmanic District
Ronald Zappacosta
Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 91-9-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit an accessory building (garage) to have a height of 24 feet in lieu of the maximum permitted 15 feet in accordance with Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by S. Eric DiNenna, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 3507 St. James Road, consists of 15,650 sq.ft. zoned D.R. 5.5 and is improved with a two story single family dwelling and two story, two car garage. Petitioner testified that the subject garage was constructed several years ago and that as a result of a recent complaint filed with the Zoning Enforcement Office, the instant Petition was filed in order to resolve the matter. Testimony indicated Petitioner constructed the subject garage to provide protective storage for the family's vehicles as well as additional storage space for personal items. Petitioner testified a portion of the lower level has been set aside for use as a work area and indicated he would like to install toilet facilities at some point in the future. Petitioner further testified that his neighbors have no objections to the subject garage and submitted several letters of support from surrounding property owners. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of September, 1990 that the Petition for Zoning Variance to permit an existing accessory building (garage) to have a height of 24 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) The subject garage is limited to use as storage space for personal items only. There shall be no commercial use of the subject property, Petitioner, nor any invitee of the Petitioner, and/or any other person shall not conduct commercial activities within this accessory structure and furthermore, there shall be no automotive repair or maintenance activities conducted on this site.

- 2 -

3) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities, with the exception of one toilet and sink as proposed by Petitioner. No shower or tub facilities shall be permitted in the garage.

4) Upon request and reasonable notice, Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

JRH:bjs

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

September 13, 1990



Dennis F. Rasmussen
County Executive

S. Eric DiNenna, Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
SE/S St. James Road, 300' NE of Lages Lane
(3507 St. James Road)
2nd Election District - 2nd Councilmanic District
Ronald Zappacosta - Petitioner
Case No. 91-9-A

Dear Mr. DiNenna:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-9-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.3 to allow an accessory building (garage) to be 24 feet in lieu of the maximum 15 feet.

MAP	NR/CH
E	1
F.D.	208
DATE	11/14/91
250	BF
1363	—
DP	—

1. Garage constructed some years ago.
2. Need for storage area for household goods.
3. Other reasons to be presented at time of hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	3507 St. James Road
S. Eric DiNenna, Esquire	Address
(Type or Print Name)	Baltimore, Maryland 21207
Signature	City and State
409 Washington Ave., Ste. 600	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	S. Eric DiNenna, Esquire
Towson, Maryland 21204	Name
City and State	409 Washington Ave., Ste. 600
Attorney's Telephone No.: 296-5820	Towson, MD 21204
	Address
	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____ 19____ at _____ o'clock

_____, M.
ESTIMATED LENGTH OF HEARING (1/2HR) + 1HR.
AVAILABLE FOR HEARING
MON./TUE./WED. - NEXT TWO MONTHS
ALL OTHER DATE (over) 6-1-90
REVIEWED BY: *J. Robert Haines*
Zoning Commissioner of Baltimore County.

ZONING DESCRIPTION

Beginning at a point on the South side of Saint James Road which is 17 feet wide at the distance of 300 feet North East of the centerline of the nearest improved intersecting street Lages Lane which is 40 feet wide. Being Lot # (5), Block (), Section # () in the subdivision of George's Park / Rockdale as recorded in Baltimore County Plat Book # (WPC 8), Folio # (77), containing 15,650 square feet. Also known as 3507 Saint James Road and located in the # (2nd) Election District.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 2nd Date of Posting: August 15, 1990
Posted for: Variance
Petitioner: Ronald Zappacosta
Location of property: SE/S St. James Road, 300' NE of Lages Lane
Location of Sign: In front of 3507 St. James Road
Remarks: _____
Posted by: S. J. Rata Date of return: August 17, 1990
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-4150

Number

No 2643

Date

08/15/90

89000426

010 - ZONING VARIANCE (IRL)

PRICE

1

135.00

LAST NAME OF OWNER: ZAPPACOSTA

TOT: 135.00

Cashier Validation

8 096*****350018 8016F
Please make checks payable to: Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD. 8/10, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/1, 1990.

THE JEFFERSONIAN,

S. Zeko Orlan
Publisher

NOTICE OF HEARING

Notice of Hearing

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property (see County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204) as follows:

Petition for Zoning Variance Case number: 91-9-A SE/S St. James Road, 300' NE of Lages Lane 3507 St. James Road 2nd Election District 2nd Councilmanic District

Notice: to allow an accessory building (garage) to be 24 feet high in lieu of the maximum 15 feet. In the event that the Petition is granted, a building permit may be issued within the next 30 days after the hearing. The Zoning Commissioner will, however, consider any request for a stay of the issuance of said permit during the period for good cause shown. Such request must be in writing and received in this office by the date of the hearing or before or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
8017 August 2

CERTIFICATE OF PUBLICATION

Pikesville, Md., Aug 1 19 90

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 2nd day of August 19 90

the first publication appearing on the 1st day of August, 19 90
the second publication appearing on the 2nd day of August, 19 90
the third publication appearing on the 3rd day of August, 19 90

THE NORTHWEST STAR

Manager J. R. Haines

Cost of Advertisement \$32

LASCUOLA MOTORWORKS, INC.

TOYOTA/HONDA SERVICE
(Service & Repair for other Japanese Models Available)

TOYOTA HONDA

• 25 combined years HONDA & TOYOTA experience
• Factory trained by HONDA & TOYOTA
• ASE MASTER CERTIFIED TECHNICIAN
• We use genuine HONDA & TOYOTA Parts
• Other options on Parts available

Open Monday-Friday 9-5/night Drop Available
655-0686 10206 Liberty Road Randallstown, MD 21133

With this coupon only
TOYOTAS AND HONDAS
OIL & FILTER CHANGE
\$16.99 4 CYL. \$18.99 6 CYL.
or 10% off Labor up to \$10.00

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001-4150
Number **3356**

Date 9/07/90 M910018B

	QTY	PRICE
PUBLIC HEARING FEES		
080 -POSTING SIGNS / ADVERTISING 1 X		\$99.70
TOTAL:		\$99.70

LAST NAME OF OWNER: ZAPPACOSTA

0404W001JAH1HCRC \$99.70
84 C002:50PND7-07-90

Please make checks payable to: Baltimore County NEXT BUSINESS DAY

receipt

No 3356

91-9 ✓

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Ronald Zappacosta
3507 St. James Road
Baltimore, Maryland 21207

Re: Petition for Zoning Variance
CASE NUMBER: 91-9-A
SE/5 St. James Road, 300' NE of c/l Lages Lane
3507 St. James Road
2nd Election District - 2nd Councilmanic
Petitioner(s): Ronald Zappacosta
HEARING: FRIDAY, SEPTEMBER 7, 1990 at 2:00 p.m.

Dear Petitioner:

Please be advised that \$ 99.70 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

cc: S. Eric DiMenna, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 13, 1990

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 91-9-A
SE/5 St. James Road, 300' NE of c/l Lages Lane
3507 St. James Road
2nd Election District - 2nd Councilmanic
Petitioner(s): Ronald Zappacosta
HEARING: FRIDAY, SEPTEMBER 7, 1990 at 2:00 p.m.

Variance to allow an accessory building (garage) to be 24 feet high in lieu of the maximum 15 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Ronald Zappacosta
S. Eric DiMenna, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 24, 1990

S. Eric DiMenna, Esquire
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: Item No. 426, Case No. 91-9-A
Petitioner: Ronald Zappacosta
Petition for Zoning Variance

Dear Mr. DiMenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Ronald Zappacosta
3507 St. James Road
Baltimore, MD 21207

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Your petition has been received and accepted for filing this 20th day of June, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Zoning Plans Advisory Committee

Petitioner: Ronald Zappacosta

Petitioner's Attorney: S. Eric DiMenna

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Ronald Zappacosta, Item No. 426

The Petitioner requests a Variance to permit an accessory building to be 24 ft. in lieu of the maximum 15 ft.

This office has no objection to the requested variances. However, a restriction should be placed in the Order prohibiting any living quarters, kitchen or bathroom facilities in the garage, limiting storage to that of the personal property of the occupants at the principal dwelling.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 406
Towson, Maryland 21204
(301) 887-3554

June 27, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 415, 423, 425, and 426.

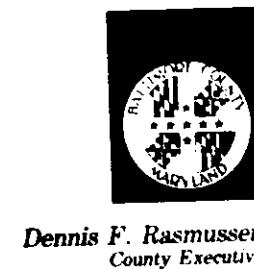
Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/lw

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

JUNE 6, 1990



J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RONALD ZAPPACOSTA
Location: #3507 ST. JAMES ROAD
Item No.: 426 Zoning Agenda: JUNE 19, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Carl J. Kelly 6/6/90 Noted and Approved Carl J. Kelly 6/6/90
Planning/Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 6, 1990
FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for June 19, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 422, 423, 425 and [REDACTED]

For Item 405, the previous County Review Group comments still apply.

For Item 415, a 10-foot widening strip should have been acquired by Baltimore County from Plat 29/75. A County Review Group Meeting will be required for this resubdivision.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

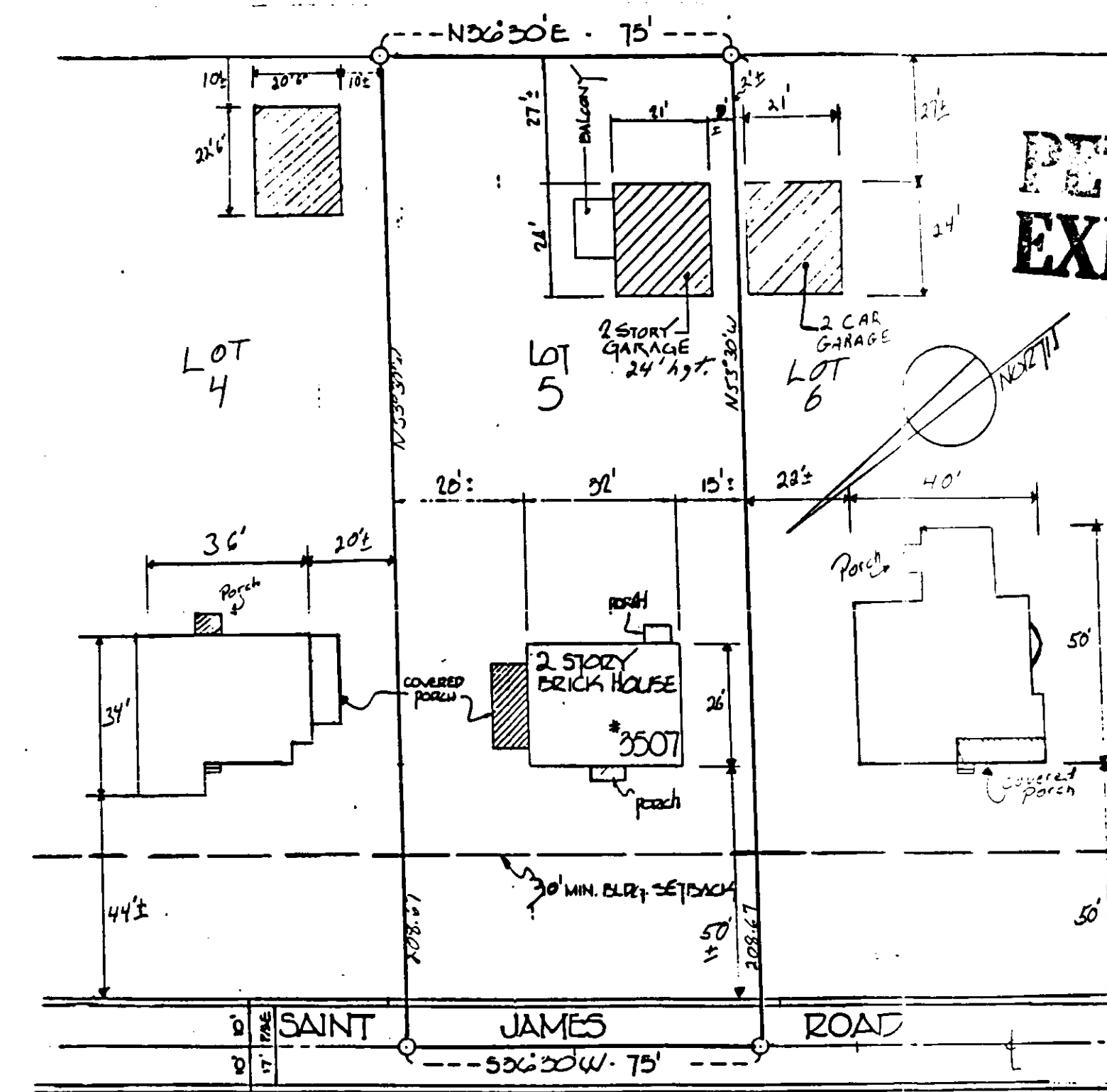
PROPERTY ADDRESS: 3507 SAINT JAMES ROAD

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: GEORGE'S PARK/ROCKDALE
plat book# WPC8, folio# 77, lot# 5, section#

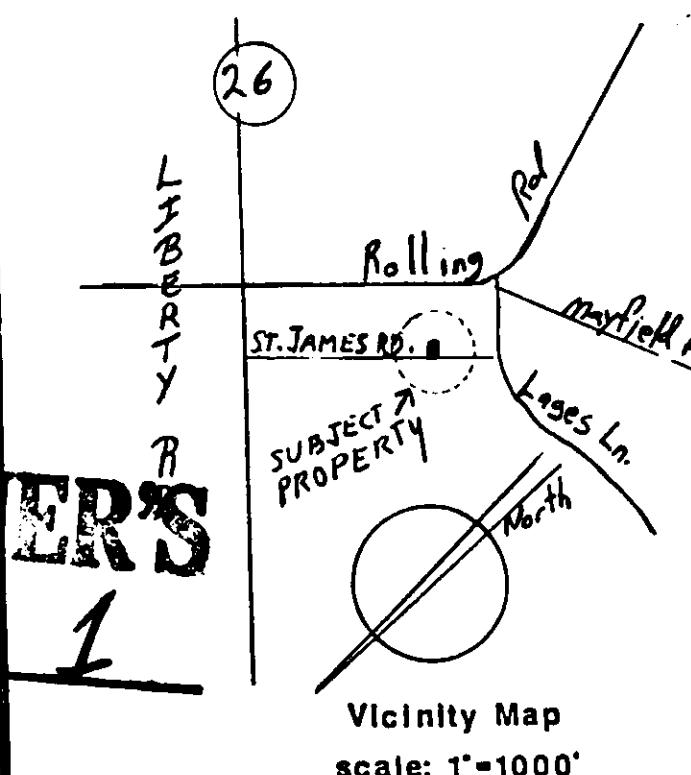
OWNER: RONALD V. ZAPPACOSTA

91-9-A



date: 5/25/90

prepared by: Ronald V. Zappacosta Scale of Drawing: 1" = 30'



LOCATION INFORMATION

Councilmanic District: 2ND

Election District: 2ND

1"=200' scale map#:

Zoning: D.R.5.5

Lot size: 36 acreage 15,650 square feet

public private

SEWER: ☒ ☐

WATER: ☒ ☐

Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: ITEM #:

426

NEIGHBORS STATEMENT

As a neighbor to the property located at 3507 Saint James Road, I have had the opportunity to observe it's maintenance for many years. In my view, the property is maintained with a high degree of care with regard to it's buildings and landscape. The height of the garage in comparison to the height of similar structures in the neighborhood does not detract from the character of the area.

NAME: Laura M. Page
ADDRESS: 3506 St. James Rd. 21207
DATE: 9/5/90

PETITIONER'S
EXHIBIT 2

90-9A

NEIGHBORS STATEMENT

As a neighbor to the property located at 3507 Saint James Road, I have had the opportunity to observe it's maintenance for many years. In my view, the property is maintained with a high degree of care with regard to it's buildings and landscape. The height of the garage in comparison to the height of similar structures in the neighborhood does not detract from the character of the area.

NAME: William L. Hoffmeyer
ADDRESS: 3510 St. James Rd.
DATE: Sept 5, 1990

PETITIONER'S
EXHIBIT 3

90-9A

NEIGHBORS STATEMENT

As a neighbor to the property located at 3507 Saint James Road, I have had the opportunity to observe it's maintenance for many years. In my view, the property is maintained with a high degree of care with regard to it's buildings and landscape. The height of the garage in comparison to the height of similar structures in the neighborhood does not detract from the character of the area.

NAME: Richard A. Suber
ADDRESS: 3513 St. James Road
DATE: August 28, 1990

PETITIONER'S
EXHIBIT 4

90-9A

NEIGHBORS STATEMENT

As a neighbor to the property located at 3507 Saint James Road, I have had the opportunity to observe it's maintenance for many years. In my view, the property is maintained with a high degree of care with regard to it's buildings and landscape. The height of the garage in comparison to the height of similar structures in the neighborhood does not detract from the character of the area.

NAME: William R. Corbett
ADDRESS: 3511 St. James Rd. 21207
DATE: 9-5-90

PETITIONER'S
EXHIBIT 5

90-9A

NEIGHBORS STATEMENT

As a neighbor to the property located at 3507 Saint James Road, I have had the opportunity to observe it's maintenance for many years. In my view, the property is maintained with a high degree of care with regard to it's buildings and landscape. The height of the garage in comparison to the height of similar structures in the neighborhood does not detract from the character of the area.

NAME : Donna M. Francy
ADDRESS: 3508 BOWLING GREEN
DATE : AUGUST 30, 1990

**PETITIONER'S
EXHIBIT 6**

90-9A



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

July 14, 1980

PETITIONER'S EXHIBIT 7

Mrs. Dolis Zappacosta
Audrey S. Chaffman, Inc.
12 Sudbrook Lane
Pikesville, Maryland 21208

RE: Zoning Approval of Existing
Two-Family Dwelling
3507 St. James Road
2nd Election District

Dear Mrs. Zappacosta:

Reference is made to your letter of July 9, 1980, together with the accompanying affidavits, requesting verification of the above use.

The subject property is presently zoned Density, Residential (D.R. 5.5). Based on the content of the affidavits, establishing that the property has been utilized continuously since October, 1952 as a two-family dwelling, it appears that said property enjoys a legal, nonconforming use. This determination, however, is subject to challenge by any interested citizen and could require a public hearing, at which time an Order would be written by the Zoning Commissioner, based on testimony and evidence presented at the hearing.

If you need additional information, please do not hesitate to contact this office.

Very truly yours,

James E. Dyer
JAMES E. DYER
Zoning Supervisor

JED/st

cc: Mr. William E. Hammond, Zoning Commissioner
Mrs. Jean M. H. Jung, Deputy Zoning Commissioner

